IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10509 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PARESHKUMAR RAMANLAL PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 10509 of 2002

NANAVATI & NANAVATI for Petitioner No. 1-8

GOVERNMENT PLEADER for Respondent No. 1-2

MR HARSHAD J SHAH for Respondent No. 3

NOTICE SERVED BY DS for Respondent No. 4-9

NOTICE SERVED for Respondent No. 10

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 24/09/2003

ORAL JUDGEMENT

RULE. Mr IM Pandya, learned AGP, waives the service of Rule for respondents nos.1 and 2. Mr HJ Shah waives the service of Rule for respondent no.3. Mr P.K. Jani with Mr Rakesh Johri waives the service of notice for respondent no.10. Respondents nos.4 to 9 though served have not entered appearance. Since National Council for Teachers Education, Bhopal, is appearing in this matter through the learned counsel, it is now not necessary to serve the individual institutions with the order of Rule, which is passed today. Under the circumstances, now the petition is heard and disposed of finally.

The present petitioners have undertaken their Art Teachers Diploma Course through various institutions i.e. respondents nos.4 to 9 herein. Thereafter they applied for the post of Vidya Sahayak (Art Teacher Diploma) and even their names also appeared in the select list. However, they have not been given appointment on the ground that the there is nothing on record to show that the institutions through which they have undertaken their Art Teachers Diploma Course are recognised by N.C.T.E., Bhopal.

Today in response to the notice issued by this Court, Mr P.K. Jani along with Mr Rakesh Johri for NCTE appeared and stated that the institutions through which the petitioners have undertaken the course have already applied for recognition and therefore deemed recognition can be said to have been granted to these institutions. In view of the aforesaid stand of NCTE, respondents nos.1, 2 and 3 are directed to process the applications of the petitioners on merits and issue appointment orders if they are otherwise found to be eligible and they will not be denied appointment only on the ground that the institutions though which they have undertaken the course are not recognised by the NCTE, Bhopal.

In view of what is stated above, the petition is allowed and the concerned authority is directed now to act accordingly in the matter of appointment of the petitioners for the post in question and their cases maybe now examined as indicated above.

Rule is made absolute. No order as to costs.

(P.B. Majmudar, J.)
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